

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**CLIFTON E. MCLEAN,**

**Petitioner,**

**v.**

**Civil Action No. 2:07 CV 83  
(Maxwell)**

**JOYCE FRANCIS, Warden,**

**Respondent.**

**ORDER**

On October 18, 2007, *pro se* Petitioner Clifton E. McLean filed an Application Under 28 U.S.C. § 2241 For Writ of Habeas Corpus By A Person In Federal Custody.

The case was referred to United States Magistrate Judge James E. Seibert for initial review and report and recommendation in accordance with Rule 83.09 of the Local Rules of Prisoner Litigation Procedure.

After conducting an initial screening and review, United States Magistrate Judge James E. Seibert issued a Report And Recommendation on October 26, 2007, wherein he recommended that the Petitioner's Application Under 28 U.S.C. § 2241 For Writ Of Habeas Corpus By A Person In Federal Custody be denied and dismissed with prejudice.

In his Report And Recommendation, Magistrate Judge Seibert provided the parties with ten (10) days from the date they were served with a copy of said Report And Recommendation in which to file objections thereto and advised the parties that a failure to timely file objections would result in the waiver of their right to appeal from a judgment of this Court based upon said Report And Recommendation. According to the docket in

the above-styled civil action, any objections to the Magistrate Judge's Report And Recommendation were required to be filed on or before November 9, 2007.

On November 8, 2007, the Petitioner filed a Motion To Enlarge Time To Respond To Magistrate Judge Recommendation wherein he requested a forty-five day extension of time in which to file objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation.

Having found that the Petitioner's Motion is made in good faith and not to unnecessarily delay this matter, it is

**ORDERED** that the Petitioner's Motion To Enlarge Time To Respond To Magistrate Judge Recommendation (Docket No. 6) be, and the same is hereby, **GRANTED**. It is further

**ORDERED** that the Petitioner shall file any desired objections to Magistrate Judge Seibert's October 26, 2007, Report And Recommendation on or before **January 21, 2008**. It is further

**ORDERED** that the Clerk of Court shall send a copy of this Order to the *pro se* Petitioner and to any counsel of record.

**ENTER:** December 4, 2007

**/S/ Robert E. Maxwell**  
United States District Judge